

# Commission Considers Congestion

## THIS IS THE CONDITION.

Commencing January 1, 1906, and continuing until now there has been a serious shortage of freight cars necessary to handle Florida business. There was a shortage of freight cars for a period extending back further than January 1, 1906, but it reached the acute stage about the 1st of May. Conditions became so bad that shippers were seriously hampered. Complaints began to pour in to the Railroad Commission for relief. Sawmill owners suffered perhaps more than those in other lines of business. On account of inability to get cars many mills were compelled to shut down. The terminal yards in Jacksonville were congested with freight cars to such an extent that the movement of freight was delayed from seven days up to three months. At one time it was estimated that there were 2,500 loaded freight cars in the Jacksonville terminals. The complaints piled up in the office of the Railroad Commission to such an extent that the final culmination was reached when Commissioner R. Hudson Burr, by authority of the board, made a personal inspection of the freight terminals at Jacksonville. He took testimony from railroad officials, lumber dealers and other shippers, from which he made a report to the commission, setting forth that the railroads were not equipped with terminal facilities to handle the business offered them. When the other two commissioners returned from their vacations the matter was taken up by the Railroad Commission. Conditions improved somewhat immediately after the date of Mr. Burr's visit, but they were and still are far from satisfactory. Complaints continue to come in every day from shippers of their inability to get cars to handle their business. The damage done, the loss suffered by the business men of this State is incalculable. It is apparent that with one exception none of the railroads handling Florida business have sufficient equipment to handle the business offered them, either in cars or in terminal yards.

Railroad Commission of the State of Florida WAS ABSOLUTELY OUTCLASSED. Its members had to contend with men who were trained in the particular line of business to which they had devoted their lives; men who met the questions and conditions brought about by a summons similar in character of the Railroad Commission in other States many times; men who were sure of their ground, who had all the fine points of the case at their fingers' ends, who were practiced in the art of presenting them clearly and forcibly; men who possessed technical knowledge reduced to its last analysis of perfection in detail. They did not lack for arguments tending to show that the adoption of the rules proposed by the Commission would be unreasonable and unjust and would work a hardship on the shipper as well as the transportation company.

Opposed to them were three men selected by the people of Florida without regard to qualifications fitting them for the position, without any consideration being given to the question of whether or not they were qualified to deal with the large questions and important questions and technical questions and complex questions that come up in the regulation of the enormous business of freight and passenger transportation in this State. It was evident that Messrs. Burr and Morgan were earnest in their desire to bring relief for the intolerable condition that has for so long obtained in transportation circles in this State; conditions that have partially paralyzed the business of the State. They met the objections raised by the railroad men to the best of their ability. They tried to demonstrate the unreasonableness, the weakness and fallibility of these objections. They did the best they could. Chairman Browne, although acting often as spokesman for the commission in answer to questions and statements made to him, as presiding officer, did not evince any desire to get a solution of this difficulty by meeting the objections of the Railroad Companies to the proposition offered as a solution by the Railroad Commission. He may have had this desire; he may have been earnest in his intention, but he took no part in the discussion other than answering questions and propositions put to him. He was chairman of the meeting and contented himself with acting in that capacity. When objections to the proposed rules came thick and fast from all the representatives of the railroads, Chairman Browne received them as a rocky cliff receives the sound waves put in motion by the traveler in the mountains and gave back the echo as a rocky cliff does, without change, addition or subtraction.

This, be it known, is not said in criticism, it is a record of what transpired at the meeting. So the impression was gained that the two members of the Commission who did try to meet the objections offered by the representatives of the railroads lacked in ability, through no fault of their own, to properly do so, because of their want of qualifications for the task. This, also, is not said in criticism. It is not to be expected that two gentlemen who have spent but a few years in the consideration of these great questions of traffic can compete in argument with those who have spent years in the study of them and who have received their training in a school in which knowledge of their business is the thing required of those who would achieve success.

Another thing that was made apparent at this hearing was the necessity for the presence of a legal adviser at all hearings. The Railroads had their attorneys there, men who were paid for the legal service expected to be required of them. Any point coming up requiring the opinion of a man versed in all the intricacies of the law bearing on the cases found the representatives of the Rail-

## RAILROADS WITH NO CARS.

There are several railroads doing business in the State of Florida that have no cars at all to handle business offered them. They are common carriers and are enjoying the benefits especially provided by Legislative action for common carriers. They are wholly unprepared to carry on the business of a common carrier because they have no means of transporting the commodities offered to them as common carriers. They rely upon the large trunk lines for cars with which to do their business and when the trunk lines get short of cars, business on these roads is at a standstill. With the exception of the East Coast Railway no railroad doing business in Florida is equipped with sufficient cars and motive power with which to carry on the business of a common carrier.

## THIS IS THE PROPOSED REMEDY.

When a shipper makes written application to a railroad company for a car or cars to be loaded with any kind of freight embraced in the tariff of said company for transportation within the State of Florida, stating in said application the character of the freight, the railroad company shall furnish same within four days from 7 o'clock a. m. the day following such application.

Or, when the shipper making such application specifies a future day on which he desires to make a shipment (of other than fruit or vegetables), giving not less than four days' notice thereof, computing from 7 o'clock a. m. the day following such application, the railroad company shall furnish such car or cars on or before the day specified in the application.

Or, when the shipper making such application specifies a future day on which he desires to make a shipment of fruit or vegetables, giving not less than two days' notice thereof, computing from 7 o'clock a. m. the day following such application, the railroad company shall furnish such car or cars on or before the day specified in the application.

For failure to comply with this rule, the company so offending shall forfeit and pay to the shipper applying the sum of \$2 per car per day, or fraction of a day's delay after expiration of free time car upon demand in writing, made within thirty days thereafter by the shipper.

Provided, however, that the collection of the demurrage herein authorized shall not deprive the shipper of his right to recover in any court of competent jurisdiction such damages as he may sustain by reason of the delay in furnishing cars.

Provided further, that this rule does not alter, abolish, supersede or repeal rule 3 of the Railroad Commission's "Rules Governing the Transportation of Freight."

Ordered by Railroad Commission.  
JEFFERSON B. BROWNE,  
Chairman.  
Attest:  
R. C. DUNN, Secretary.

"WHY, gentlemen, we summoned you here to show cause why rules should not be adopted to further regulate you in your intercourse with the people as common carriers. Answering our summons, you now ask that we not only recede from the proposed new rules, but go a step further and do away with some of the rules we have already made."

Thus spoke Chairman Jefferson B. Browne to the railroad men who gathered in the office of the Railroad Commission last Saturday under a summons to show cause why certain rules should not be adopted that would, in the opinion of the Railroad Commission, relieve the congested condition of freight traffic in this State. Chairman Browne's exclamation was called forth by the objections raised by each and every one of the railroad representatives present to any of the proposed rules. It was evidently the combined opinion of those present that they did not want any regulating at all. They had general objections to make and each time one entered his protest voicing a specific objection he started out by saying that he objected generally.

Following the rule of procedure that is always maintained in these cases the Commission in executive session a day or two after the hearing made the rule. The only change in the rule as adopted and as proposed is that \$2 demurrage per car per day was made the penalty for failure to furnish cars instead of \$5 as proposed.

A most interesting session was this one of last Saturday. It was attended by men high in the service of the big railroads doing business in this State. Morton Riddle, General Superintendent of the Atlantic Coast Line, was there; C. R. Capps, General Freight Agent of the Seaboard Air Line; J. C. Haskell, high in authority in the Southern Railway; S. F. Parrott, Vice-President of the G., S. & F. Railway; J. P. Beckwith, Traffic Manager of the Florida East Coast Railway; E. A. DeFuniak of the Traffic Department of the L. & N.; W. B. Denham, General Manager of the G., F. & A. These were the greater transportation lights present, besides which there were in attendance representatives from what was termed at the meeting "the smaller roads."

Long before the discussion had reached the middle stage it was apparent to an observer that the

roads ready for it, with their legal experts. They had but to consult the attorney who was present for that purpose. When the people's representatives, on the other hand, were in doubt as to the legal rights which they had, they were obliged to carry this doubt all through the proceedings, for no one was there for them to consult.

Another thing that was made apparent at this hearing was that there are companies engaged in the business of common carrier in this State which are common carriers IN NAME ONLY. To the apparent surprise of the members of the Railroad Commission, and to the surprise of this humble scribe, it was stated by no less an authority than Mr. S. F. Parrott, General Manager of the G., S. & F. Railway, and corroborated by others, that there are several railroads in this State that HAVE NO ROLLING STOCK AT ALL. This proves to be a very important element in the discussion of the proposed rules because the representatives of these railroads who were either poorly, or not at all, equipped with rolling stock were the most emphatic in their opposition to the imposition of any demurrage charge for failure to furnish cars.

Still another feature developed at this hearing was the apparent carelessness with which the orders of the Florida Railroad Commission are drawn. Rule 15, which was prepared and promulgated for the purpose of relieving the congestion in the freight yards in Jacksonville, as read at the hearing, was so different to Rule 15 as presented to the Railroads in the summons issued for them to appear, as to call forth at once, from all of the Railroad men present protestations against the change in the language of the rule and demands for copies of the rule as changed. Commissioner Morgan, in discussing the rule with the railroad men, said that he was unacquainted with the language of the rule. HE thought that the rule contained a provision for reciprocal charges of demurrage, when the language of the rule provided that the railroads should pay demurrage for failure to furnish cars and made no provision that the shipper should pay for failure to unload. He explained to the railroad representatives present that that was the INTENTION of the Commission, certainly it was his understanding of the intention. Chairman Browne, over whose sig-

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